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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,166	02/07/2001	Joseph John Melotik	200-0729	1742

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BLISS MCGLYNN, P.C.  
2075 WEST BIG BEAVER ROAD  
SUITE 600  
TROY, MI 48084

EXAMINER

GUTMAN, HILARY L

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 01/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/681,166

Applicant(s)

MELOTIK ET AL.

Examiner

Hilary Gutman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 7-10, 12, 14, 16, 18, 20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 7-10, 12, 14, 16, 18, 20 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 May 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 8-10, 12, 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Greig.

For claim 8, Greig discloses an integrated extendable load floor assembly for a vehicle having a rear storage area 11 with a longitudinal open end comprising: a decklid 13 adapted to be pivotally secured to the rear end for pivotal longitudinal movement rearward to close an upper portion (and a lower portion) of the open end of the rear storage area in a closed position and for pivotal longitudinal movement forward to open the upper portion of the open end of the cargo area in an open position; at least one rail 20 “adapted” to be disposed upon a side of the rear storage area; a drawer or load floor 23 cooperating with the at least one rail allowing for a selective sliding movement in and out of the rear storage area of the vehicle and including a rear panel 26 that is cooperatively attached to a bottom of a rear edge of the load floor allowing selective positioning of the rear panel in an upright closed position and a lower horizontal open position, the rear panel closing a lower portion (Figure 2) of the open end of the rear storage area when in the upright closed position adjacent a rear of the vehicle (seen in Figure 2); and a load floor latching mechanism comprising a striker 46 and a latch 28 connected to a rearward longitudinal end of the load floor, and the rear storage area 11 of the vehicle adapted to latch the load floor in a closed position within the rear storage area, the load floor latching mechanism

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including a movable handle 44 disposed on the load floor. The decklid and the endgate “cooperate” together to close the opening of the cargo area. Specifically, the endgate moves to its upright closed position (Figure 1); then the load floor slides along the rails into the closed position (Figure 2); finally, the decklid is pivoted into its closed position to thereby close the opening.

The assembly also includes at least one slide 30 disposed on sides of the load floor and cooperating with a portion of the at least one rail. A rear panel latching mechanism 28, 29 is provided that latches the rear panel in the upright closed position.

For claim 21, Greig discloses a sedan type automotive vehicle comprising: a body 10 including a rear end having a floor F and sides (figures 12) extending upwardly and along the floor to form a cargo area with an opening; a drawer or load floor 23 for sliding movement in and out of the cargo area; an end gate 26 pivotally connected to the load floor and having a closed upright position and an open horizontal position, the endgate closing a longitudinal end portion of the opening of the cargo area when in the closed upright position adjacent a rear of the vehicle as seen in Figure 2; a decklid 13 pivotally secured to the sides and cooperating with the endgate for pivotal longitudinal movement rearward to close an upper portion (as well as a lower portion) of the opening of the cargo area in a closed position and for pivotal longitudinal movement forward to allow access to the cargo area in an open position and to allow objects to be removed from the cargo area when the decklid is in the open position; and a load floor latching mechanism comprising a striker 46 and a latch 28 connected to a rearward longitudinal end of the load floor (Figures 4-6), and a body 10 of the vehicle adapted to latch the load floor in a closed position within the cargo area 11.

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*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-3, 5, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mayer in view of Greig and Klar (5,692,792).

Mayer discloses an integrated extendable load floor/drawer assembly (seen in the figures) for a vehicle having a rear end 10 with a floor 14 and sides 16 and 18 extending upwardly and along the floor to form a cargo area 12 with an opening and a decklid 32 and 34 for closing an upper portion of the opening of the cargo area 12. The integrated floor/drawer assembly comprises a plurality of rails 44 "adapted" to be disposed upon the side 16 and 18 above the floor of the rear end; a load floor 26 operatively cooperating with the rails for sliding movement

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therealong (Figure 5) and including an endgate 22 pivotally attached to a rear longitudinal end thereof having an upright closed position (solid lines of Figure 2) and a horizontal open position (dashed lines of Figure 2), the endgate closing a longitudinal end portion of the opening of the cargo area (Figure 1) when in the upright closed position adjacent a rear of the vehicle, whereby the decklid and the endgate cooperate together to close the opening of the cargo area; and a load floor latching mechanism 66 to latch the load floor in a closed position with the rear end of the vehicle. The assembly also includes a pair of slides 44 disposed on opposed sides of the load floor and cooperating with the rails. The load floor 26 comprises a bottom 26 and sides 28 and 30 extending generally perpendicular to the bottom to form a compartment for holding objects. In addition a latching mechanism 62 and 64 is provided to latch the endgate 22 to the load floor in the upright closed position.

For claim 20, Mayer discloses an automotive vehicle comprising: a body including a rear end 10 having a floor 14 and sides 16 and 18 extending upwardly and along the floor 14 to form a cargo area 12 with an opening; a plurality of rails 44 spaced laterally and extending longitudinally between the sides above the floor (Figure 5); a drawer or load floor 26 operatively cooperating with the rails for sliding movement therealong; a decklid 32 and 34 pivotally secured to the sides to close a first portion of the opening (Figure 1) of the cargo area in a closed position and to allow access to the cargo area in an open position (Figure 2) and to allow the load floor to be extended when the decklid is in the open position; an endgate 22 pivotally connected to the load floor and having a closed upright position (solid lines of Figure 2) and an open horizontal position (dashed lines of Figure 2), the endgate 22 closing a second portion of the opening of the cargo area when in the closed upright position (Figure 1) adjacent a rear of the vehicle, whereby

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the decklid 32, 34 and the endgate 22 cooperate together to close the opening of the cargo area; an endgate latching mechanism 62 and 64 that latches the endgate in the upright closed position; and a load floor latching mechanism 66 to latch the load floor in a closed position with the rear end of the vehicle.

Mayer lacks the specific load floor latching mechanism claimed.

Greig teaches an integrated extendable load floor assembly for a vehicle. The assembly includes a load floor latching mechanism comprises a striker 46 connected to a rearward longitudinal end of a load floor and a latch 48 connected to the rear end of the vehicle to latch the load floor in a closed position. The load floor latching mechanism includes a movable handle 44 disposed on the load floor.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the load floor latching mechanism of Greig in place of the latching mechanism of Mayer in order to better secure the load floor to the vehicle.

Mayer, as modified, lacks the decklid adapted to be pivotally secured to the rear end for pivotal longitudinal movement rearward to close the upper portion and for pivotal longitudinal movement forward to open the upper portion.

Klar (5,692,792) discloses a decklid pivotally secured to sides of a vehicle and a rear end of the vehicle for pivotal longitudinal movement rearward to close a first, upper portion of an opening of a cargo area in a closed position and for pivotal longitudinal movement forward to open the first, upper portion of the opening and allow access to the cargo area in an open position.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a longitudinally pivoting decklid as taught by Klar in place of the two laterally pivoting decklids of Mayer, as modified, in order to move quickly open and close the upper portion and in order to fully open and fully close the upper portion in one step.

7. Claims 14, 16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mayer in view of Greig, the well know prior art, and Klar.

For claim 14, Mayer discloses a vehicle (as seen in the figures) comprising: a body including a rear end 10 having a floor 14 and sides 16 and 18 extending upwardly and along the floor to form a rear storage area 12 having an opening; a decklid 32 and 34 pivotally secured to the rear end to close a first portion of the opening of the rear storage area 12 in a closed position (Figure 1) and to allow access to the rear storage area in an open position (Figure 2); and an integrated extendable load floor assembly cooperating with the rear storage area, the integrated extendable load floor assembly including at least one rail 44 disposed upon the floor of the rear storage area and a drawer or load floor 26 cooperating with the at least one rail (Figure 5), the load floor 26 having selective sliding movement in and out of the rear storage area of the vehicle and including a rear panel 22 that is cooperatively attached to a bottom of a rear edge of the load floor allowing selective positioning of the rear panel in an upright closed (solid lines of Figure 2) position and a horizontal open (dashed lines of Figure 2) position, the rear panel 22 closing a second portion of the opening of the rear storage area when in the upright closed position adjacent a rear of the vehicle, whereby the decklid 32, 34 and the rear panel 22 cooperate



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together to close the opening of the rear storage area (Figure 1), and a load floor latching mechanism 66 to latch the load floor in a closed position with the rear end of the vehicle.

The load floor comprises a bottom 26 and sides 28 and 30 extending generally perpendicular to the bottom to form a compartment for holding objects. In addition, the assembly includes a rear panel latching mechanism 62 and 64 that latches the rear panel in the upright closed position.

Mayer lacks the specific load floor latching mechanism claimed.

Greig teaches an integrated extendable load floor assembly for a vehicle. The assembly includes a load floor latching mechanism comprises a striker 46 connected to a rearward longitudinal end of a load floor and a latch 48 connected to the rear end of the vehicle to latch the load floor in a closed position. The load floor latching mechanism includes a movable handle 44 disposed on the load floor.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the load floor latching mechanism of Greig in place of the latching mechanism of Mayer in order to better secure the load floor to the vehicle.

Mayer, as modified, lacks the at least one rail (Figure 5) being disposed upon each of the sides of the rear storage area.

The well known prior art teaches rear cargo areas in vehicles with bodies, rear ends, floors, and sides extending upwardly and along the floors to form the rear cargo areas. The rear cargo areas having openings through which a load floor moves. The load floor has selective sliding movement in and out of the rear storage areas via rails which are disposed upon the sides of the rear storage areas. Peters et al., Gird '401, Powell '405, Webber, and Temp all show this

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arrangement of load floors sliding on rails disposed upon sides of rear storage areas.

Specifically, Peters et al. teach side rails, generally between rollers 56 and 58, which engage the load floor at rail 50 (Figure 3). Girl '401 teaches C-shaped channel rails 2 (Figure 5) which engage with load floor rollers 1. Also, Powell '405 teaches rack and pinion type rails 32, 33 (Figures 2 and 3). Webber teaches upper and lower rails 22, 24 (Figure 4). Finally, Temp teaches side rails generally between support 14 and roller 13 upon which rails 12 of the load floor slide (Figure 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have placed the rails of Mayer, as modified, along the sides of the rear storage area thereof as taught by the well known prior art (of Peters et al., Girl '401, Powell '405, Webber, and Temp) in order to allow the load floor to carry heavy loads without damaging the rails so that the load floor is sturdy, capable of easy, non-binding movement, and quiet when the vehicle is in motion.

Mayer, as twice modified, lacks the decklid adapted to be pivotally secured to the rear end for pivotal longitudinal movement rearward to close the upper portion and for pivotal longitudinal movement forward to open the upper portion.

Klar (5,692,792) discloses a decklid pivotally secured to sides of a vehicle and cooperating with an endgate for pivotal longitudinal movement rearward to close an upper portion of an opening of a cargo area in a closed position and for pivotal longitudinal movement forward to open the upper portion of the opening and allow access to the cargo area in an open position.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a longitudinally pivoting decklid as taught by Klar in place of the two laterally pivoting decklids of Mayer, as twice modified, in order to move quickly open and close the upper portion and in order to fully open and fully close the upper portion in one step.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mayer as applied to claim 1 above, and further in view of the well known prior art.

Mayer lacks the load floor including an inner panel pivotally attached thereto to pivot between a closed position and an open position relative to a bottom thereof.

The well known prior art teaches rear cargo areas in vehicles wherein an inner panel is provided and pivotally attached to a bottom or a floor of the vehicle to pivot between a closed position, covering a storage cavity, and an open position relative to the bottom thereof. Specifically, Riley teaches an endgate 20 having an inner panel 40 pivotally attached thereof to pivot between a closed position (Figures 1, 3, and 4) and an open position (Figure 5) relative to a bottom, generally 26, thereof. Furthermore, Spykerman et al. teach an easily accessible storage compartment, provided at a rear end of a vehicle wherein a cavity is created in the "floor" of the vehicle and an inner panel covers the cavity (Figures 1-5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have taught providing a cavity and inner storage compartment as taught by the well known prior art upon the load floor of Mayer in order to provide the vehicle with an easily accessible storage compartment.

*Response to Arguments*

5. Applicant's arguments filed 11/20/2003 have been fully considered but they are not persuasive.

With regard to claims 8-10, 12, and 21, the applicant argues that Greig does not disclose or anticipate the claimed invention of claim 8 or the invention of amended claim 21. The applicant goes on to state that the decklid of Greig does not cooperate with the movable unit 23 to close the opening 12. The examiner disagrees and more clearly points out that Greig does in fact disclose all of the limitations of the claimed invention as broadly recited and interpreted. The decklid and the endgate "cooperate" together to close the opening of the cargo area. Specifically, the endgate moves to its upright closed position (Figure 1); then the load floor slides along the rails into the closed position (Figure 2); finally, the decklid is pivoted into its closed position to thereby close the opening.

Additionally, the applicant traverses the rejection of claims 1-3, 5, and 20 over argues that Mayer in view of Greig and Klar. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

With respect to the argument that Mayer lacks a plurality of rails "adapted" to be disposed upon the sides above the floor, the examiner notes that the rails are in fact above the floor in that they are elevated. Additionally, one can envision a wider load floor 26 whereby the

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laterally positioned rails would need to be expanded outwardly and attached directly to the sidewalls.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it is desirable to combine the Mayer and Greig references to better secure the load floor to the vehicle. Furthermore, it is additionally desirable to combine Mayer and Klar in order to quickly and more easily open and close one single decklid.

Applicant further states that the combination of reference is deficient in that the reference fail to teach or suggest the combination of an automotive vehicle as claimed. The examiner disagrees and believes that the rejection(s) set forth above clearly show that the prior art references either alone or in combination disclosed the claimed invention as broadly recited and interpreted.

### *Conclusion*

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hilary Gutman whose telephone number is 703-305-0496. The examiner can normally be reached on M-F 7:30am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 703-308-3102. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-3297 for regular communications and 703-305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1134.

8. **Any response to this final action should be mailed to:**

Box AF

Assistant Commissioner for Patents

Washington, D.C. 20231

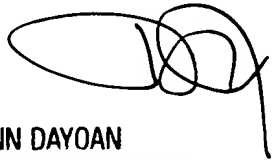
**or faxed to:**

(703) 872-9327, (for formal communications; please mark "EXPEDITED PROCEDURE")

**or:**

(703) 746-3515, (for informal or draft communications, please clearly label "PROPOSED" or "DRAFT").

hlg  
1/5/04

  
D. GLENN DAYOAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

1/6/04